

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

::::

ORDER

Smt. Pritam Kanwar

vs

R.S.R.T.C. & Ors.

**S.B. CIVL WRIT PETIITON
NO.4721/2002 UNDER ARTICLE
226 OF THE CONSTITUTION OF
INDIA.**

DATE OF ORDER : 28th August, 2006

PRESENT

HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr.P.S. Bhati, Advocate, for the petitioners.
Mr.Sangeet Lodha,]
Mr.J.L. Purohit] Advocates for the respondents.

<><><>

BY THE COURT: -

This writ petition was filed by Smt. Pritam Kanwar widow of Late Shri Govind Singh, who while serving the respondent-R.S.R.T.C. died on 4.8.1996 due to heart attack. The petitioner

prayed for a direction to the respondents to pay amount of pension, provident fund, gratuity, group insurance & other death benefits with interest @ 21% per annum on the due amount.

At the outset, it is clarified that the late husband of the petitioner was the member of contributory Provident Fund and the entire due amount of the contributory provident fund alongwith interest quantified as Rs.42,727/- has been paid to the petitioner on 29.8.2001. As regards other benefits, however, respondents have asserted in their reply that Rs.8,470/- was due to be recovered from late Shri Govind Singh. The amount of gratuity in a sum of Rs.5781/- and further amount of arrears of increments in the sum of Rs.954/- have been adjusted against the amount of recovery. Although there was short fall of Rs.1735/- . In the month of March, 1996, Shri Govind Singh was paid salary for whole of the month whereas, he remained absent from duties from 22.3.1996 to 31.3.1996, accordingly, a sum of RS.739/- paid in excess was ordered to be recovered from the payment of earned leave, a sum of Rs.1,142/-. After adjusting the aforesaid amount of Rs.739/- a sum of Rs.403/- has been paid to the petitioner. So far as payment of contributory provident fund is concerned, Shri Rajesh Joshi, appearing for the respondent no.4 has stated that the amount of provident fund has been paid to the petitioner with interest. As

regards amount of gratuity, Shri J.L. Purohit, representing respondent no.5 stated that intimation was beyond the period of three years however delay was condoned after ascertaining the reasons for delay and the amount of Rs.37,000/- was paid to the petitioner.

In the aforesaid circumstances, no other claim of the petitioner remains to be paid and nothing survives in this writ petition.

The writ petition is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-